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EXAMINER

MYINT, DENNIS Y

ART UNIT PAPER NUMBER

2162

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,267	<b>Applicant(s)</b> THOMAS ET AL.	
	<b>Examiner</b> Dennis Myint	<b>Art Unit</b> 2162	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-23 have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 10, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Mittal et al. (U.S. Patent Application Publication Number 2003/0125970).

As per claim 1, Mittal et al. is directed to a method of managing job applicant data, comprising:

receiving an applicant request for a specified job (Mittal et al., Paragraph 0048, "posting of a desired job profile");

receiving applicant data (Mittal et al., Paragraph 0048, "captured and stored");

storing the applicant data in a database (Mittal et al., Paragraph 0048, "captured and stored in a job seeker database");

linking one or more elements of the applicant data to an employer position (Mittal et al., Figure 6, step 402 "Job seeker information mapped on Job Database" and

Paragraph 0058 " The job seeker information (i.e., resume, dream job posting etc.) is mapped on the job database"); and  
providing a report profile whereby a resulting report (Mittal et al., Paragraph 0058, "list of matching jobs") relates one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions (Mittal et al., Paragraph 0058).

As per claim 3, Mittal et al. is directed to the method of claim wherein each employer position comprises a specified job or a job group that corresponds to one or more specified jobs (Mittal et al., Paragraph 0049 "list of matching jobs").

Claim 10 is rejected on the same basis as claim 1.

Claim 13 is rejected on the same basis as claim 3.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 2, 4, 5, 11, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal et al. in view of Farenden (U.S. Patent Application Publication Number 2002/0128894).

Referring to claim 2, Mittal et al. is directed to the method of claim 1 but does not explicitly disclose that, in the said method, the elements of the application data comprise data indicative of gender and ethnicity. However, Farenden teaches a system and method for recruiting candidates for employment wherein gender and ethnicity ("race") of recruiters, along with other biographical information, are defined to recruiters with candidates (Farenden, Paragraph 0092-0093). Therefore, it is inherent in this invention that gender and ethnicity are included in the applicant data.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of collecting gender and ethnicity from applicants as taught by Farenden to the method taught by Mittal et al. as applied to claim 1 above so that, in the resultant method, the elements of applicant data would comprise data indicative of gender and ethnicity. One would have been motivated to do so simply because it is customary that employers collect such data from applicants ensure equal rights opportunity for employment.

Referring to claim 4, Mittal et al. in view of Farenden as discussed above with regard to claim 1 discloses the invention as claimed. Mittal et al. in view of Farenden teaches the method of claim 1, further comprising: storing, in the database, new hire

data (Farenden, Figure 2 “SQL” 19 and “SQL” 21, Paragraph 0083, Figure 64, Paragraph 0178, Figure 66, and Paragraph 0182); and linking one or more elements of the new hire data to an employer position, wherein the report resulting from the report profile further relates one or more elements of the new hire data for a plurality of new hires to one or more of the employer positions (Mittal et al., Paragraph 0058, “list of matching jobs” and Paragraph 0058).

Claim 5, 12, and 14 are rejected on the same basis as claim 2.

Claim 11 is rejected on the same basis as claim 4.

4. Claim 6-8, 15-19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal et al. in view of Farenden and further in view of Okamoto et al. (U.S. Patent Application Publication Number 2002/0156674).

Referring to claim 6, Mittal et al., in view of Farenden as applied to claim 2 above teaches a system and method for recruiting but does not explicitly recite that, in the said system and method, an applicant request will be rejected unless at least one job is specified. However, Okamoto et al. teaches a system and method for recruiting employees wherein an applicant has to initiate a job application process by selecting a desired job and clicking on a transmission object (button, object etc.) (Okamoto et al., Paragraph 0056, Figure 4, and Paragraph 0057). It is inherent in this invention that the system would not initiate an application process unless the applicant specify a job. The applicant's request will be rejected by the system unless at least one job is specified.

At the time the invention was made, it would be obvious to a person of ordinary skill in the art to combine the invention of Okamoto et al. for on-line recruiting with the

system and method taught by Mittal et al. in view of Farenden as applied to claim 2 so that the combined system and method would reject an applicant request unless at least one job is specified. One would have been motivated to do so in order that job offer information status can be generated (Okamoto et al., Paragraph 0058) to be displayed to the applicant based on the his/her qualifications and requirements of the job specified.

Referring to claim 7, Mittal et al. in view of Farenden and further in view of Okamoto et al. as discussed above with regard to claim 6 discloses the invention as claimed. Mittal et al. in view of Farenden and further in view of Okamoto et al. teaches the method of claim 1, further comprising the step of displaying a list of available specified jobs ("job offer list") prior to the first receiving step (Okamoto et al., Paragraph 0056).

Referring to claim 8, Mittal et al. in view of Farenden and further in view of Okamoto et al. as discussed above with regard to claim 6 discloses the invention as claimed. Mittal et al. in view of Farenden and further in view of Okamoto et al. teaches the method of claim 1, further comprising the step of providing a search engine whereby a user may search for available jobs prior to the first receiving step (Okamoto et al., Paragraph 0067).

Claim 15 is rejected on the same basis as claim 6.

Claim 16, 17, and 18 are rejected on the same basis as claim 7.

Claim 19 is rejected on the same basis as claim 8.

Referring to claim 21, Mittal et al. in view of Farenden and further in view of Okamoto et al. as discussed above with regard to claim 6 discloses the invention as

claimed. Mittal et al. in view of Farenden and further in view of Okamoto et al. teaches a recruitment data management system, comprising:

means for receiving an applicant request for a specified job (Mittal et al., Paragraph 0048, "posting of a desired job profile") and prohibiting receipt of a request unless a job is specified (Okamoto et al., Paragraph 0056, Figure 4, and Paragraph 0057) ;

means for receiving and storing applicant data that includes gender and ethnicity information (Farenden, Paragraph 0092-0093); and

means for providing a report that relates one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions (Mittal et al., Paragraph 0058, "list of matching jobs").

Claims 22 and 23 are rejected on the same basis as claim 21.

5. Claim 9 and 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal et al. in view of McGovern et al. (U.S. Patent Number 5978768).

Referring to claim 9, the method of Mittal et al. as applied to claim 1 above does not explicitly disclose that said method further comprises the step of providing a job agent that periodically searches a database of available jobs and notifies a user when a job meeting user-specified criteria is available. However, McGovern et al. teaches a computerized job search system and method, wherein a job agent ("the company site program" Column 6 Line 57-65) periodically searches a database of available jobs and



notifies a user when a job meeting user-specified criteria is available (McGovern et al., Column 15 Line 59 through Column 16 Line 24).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the system and method for an automatic job agent as taught by McGovern et al. with the system and method taught by Mittal et al. as applied to claim 1 so that the combined system and method would further comprise the step of providing a jobs agent that periodically searches a database of available jobs and notifies a user when a job meeting user-specified criteria is available. One would have been motivated to do so in order to "assist a job seeker in locating available positions quickly and effectively" (McGovern et al., Column 3 Line 49-52).

Claim 20 is rejected on the same basis as claim 9.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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